

to be discontinued. If the operation of that post office has been suspended, the manager must display copies in the affected post offices.

(B) All documents except the Postal Rate Commission's final order and opinion must be displayed until the final order and opinion are issued. The final order and opinion must be displayed for 30 days.

(4) *Actions following appeal decision—*

(i) *Determination affirmed.* If the Commission dismisses the appeal or affirms the Postal Service's determination, the official closing date of the office must be published in the Postal Bulletin, effective the first Saturday 90 days after the Commission renders its opinion, if not previously implemented under § 241.3(g)(3)(i). However, the post office may not be discontinued sooner than 60 days after the posting of the notice required under § 241.3(g)(1).

(ii) *Determination returned for further consideration.* If the Commission returns the matter for further consideration, the chief marketing officer/senior vice president must direct that either (A) notice be provided under § 241.3(f)(3) that the proposed discontinuance is determined not to be warranted or (B) the matter be returned to an appropriate stage under these regulations for further consideration following such instructions as the chief marketing officer/senior vice president may provide.

[59 FR 29725, June 9, 1994, as amended at 60 FR 32273, June 21, 1995]

§ 241.4 Expansion, relocation, and construction of post offices

(a) *Application.* (1) This section applies when the Postal Service contemplates any one of the following projects that provides retail services to customers: expansion, relocation to another existing building, or new construction, except when the project is to meet an emergency requirement or is for temporary use.

(2) This section does not apply when the project under consideration is limited to repair and alterations, such as:

- (i) Painting, no matter how extensive;
- (ii) Repairs, no matter how extensive;
- (iii) Replacement or upgrade of structural or functional elements of a postal

building or of its equipment, no matter how extensive the work;

(iv) Paving, striping, or other repair of parking areas;

(v) Landscaping.

(b) *Purpose.* The purpose of the procedures required by this section is to ensure increased opportunities for members of the communities who may be affected by certain Postal Service facility projects, along with local officials, to convey their views concerning the contemplated project and have them considered prior to any final decision to expand, relocate to another existing building, or construct a new building.

(c) *Expansion, relocation, new construction.* When an expansion, relocation, or new construction of a retail facility (whether leased or owned) is planned, postal representatives responsible for the project will take the following steps in accordance with the time schedule shown:

(1) Personally visit one or more of the highest ranking local public officials (generally, individuals holding elective office) at least 45 days before any public advertising. During the visit, the postal representatives will:

(i) Describe the project fully, explain the process by which the Postal Service will solicit and consider input from the affected community, and solicit a working partnership with the community officials for the success of the project.

(ii) Emphasize that in meeting a need for increased space, the first priority is to expand the existing facility, the second priority is to find an existing building in the same area as the current facility, and the third option is to build on a new site that will be either owned or leased.

(iii) Ask that a Postal Service presentation of the project be placed on the regular agenda of a public meeting or hearing. If no such meeting is planned within the next 60 days or the agenda of a planned meeting cannot accommodate the project, the Postal Service will schedule a public hearing concerning the project and will advertise the hearing in a local general circulation newspaper.

(iv) Give the local officials a letter describing the intended project.

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(2) Notify the lessor of the affected facility in writing.

(3) Send an initial appropriate press release to local news media.

(4) Except as provided herein, attend or conduct one or more public hearings to describe the project to the community, invite questions, solicit written comment, and describe the process by which community input will be considered. If it is known at the time that the existing facility is not able to be expanded or that expansion is impracticable, that fact will be disclosed and the project file documented as to the reasons expansion is not possible or practical. Exception: If circumstances prevent postal representatives from attending or conducting a public meeting or hearing on the planned project within a reasonable time, the Postal Service must distribute a notification card to all affected customers, seeking their comment or other feedback. In addition, if the decision is to distribute notification cards, the project file must document the circumstances that prevented postal representatives from conducting or attending a public hearing or meeting within a reasonable time; in no event shall a lack of public interest or objection constitute a qualifying circumstance.

(5) Review comments and notify local officials of decision. After the date of the most recent public meeting or the date of distribution of notification cards, make a decision (e.g., relocation to another building, new construction, or expansion of the existing facility) that takes into account community input and is consistent with prudent business practices and postal objectives, and notify local officials in writing. Take no action on the decision for at least 15 days following notification of local officials.

(6) Advertise for sites and existing buildings, in accordance with the decision.

(d) *New site or existing buildings—historic preservation.* (1) It is the policy of the Postal Service, by virtue of Board of Governors Resolution No. 82-7, to comply with Section 106 of the general provisions of the National Historic Preservation Act, (16 U.S.C. 470 *et seq.*), Executive Order 13006, and, through it, Executive Order 12072. Therefore, when

the decision is to relocate to another existing building, that building will be selected in accordance with Section 106 of the National Historic Preservation Act and applicable provisions of the executive orders identified above.

(2) When the decision is to advertise for sites and existing buildings, once such sites have been identified, advise local officials of all contending sites and with respect to all sites not selected, provide an explanation.

(3) Once a site or existing building has been selected, notify local officials of the selection decision.

(4) Take no final action to acquire or lease the new location for 15 days.

(e) *Planning, zoning, building codes.* It is the policy of the Postal Service to comply with local planning and zoning requirements and building codes to the maximum extent feasible consistent with postal needs and objectives. To promote a partnership with local officials and ensure conformance with local building codes, plans and drawings will be sent to appropriate building department or other officials for review. The Postal Service will give local public officials written notice of any timely, written objections or recommendations that it does not plan to adopt or implement.

(f) *Continuing communication.* During construction, whether renovation or new construction, the postmaster will keep local officials and the community informed via letters and news releases. The postmaster and other postal officials will plan, conduct, and invite the community and local officials to any “grand opening.”

[63 FR 25166, May 7, 1998]

PART 242—CHANGE OF SITE

§ 242.2 Change of site—fourth-class offices.

Report by memorandum to chief, organization and management branch, when change in site is necessary. Complete Form 1021 when furnished. Retain one copy in files. If new location is one-fourth of a mile or more from existing location, furnish a statement signed by majority of customers approving